

REMARKS

Claims 1-21 were pending.

In the Restriction Requirement, the Examiner required an election of a representative species from one of the following generic categories (a)-(e):

- (a) a selectable marker (antibiotic resistance or otherwise) in claim 5;
- (b) an enzyme capable of converting a prodrug to its active drug form (e.g., nitroeductase, flavin reductase, DT-diaphorase, thymidine kinase, cytosine deaminase, purine nucleoside phosphorylase) in claim 6;
- (c) a specific enzyme of the above elected enzyme capable of converting a prodrug to its active drug form (e.g., the protein encoded by the gene *nfnB*, as disclosed on page 15, line 14 of the specification);
- (d) a prodrug (e.g., CB1954, SN 23862, 2-[N,N-bis(2-iodethyl)amino]-3,5-dinitrobenzamide, 5-fluorocytosine, acyclovir, gancyclovir, 6-methyl-9-(2-deoxy- β -D-erythro-pentofuranosyl) purine) in claim 7;
- (e) a single enzyme [from which variants are derived] in claim 9.

Applicants elect nitroeductase from generic category (b).


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PATENT

Applicants respectfully request allowance of all pending claims.

Respectfully submitted,

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